



ADMINISTRATIVE POLICY: 8-4

Policy for Receipt and Distribution of Tickets or Passes

Approved: Board of Supervisors Date: 03/16/2010

Authority: County Administrator

Revised Date:

I. INTRODUCTION

The purpose of this policy is to describe the “public purpose” to be achieved through the distribution of tickets or passes to County officials such that those tickets or passes will not be considered gifts under the Political Reform Act. All County agencies, offices, departments, boards, and commissions are subject to §18944.1.

A. Certain Tickets or Passes Not Gifts

The Fair Political Practices Commission (FPPC) in interpreting the Political Reform Act has established that “ticket” or “pass” means “admission to a facility, event, show, or performance for entertainment, amusement, recreational or similar purpose.” Tickets or passes that are provided to a County official are not a gift to the official when they are received or distributed in compliance with FPPC Regulation §18944.1.

Tickets or passes received by the County or its officials may be used under conditions set forth in this policy to comply with §18944.1.

B. Political Reform Act Definition of Gift

The Political Reform Act defines a gift as any payment or other benefit provided that confers a personal benefit for which the recipient does not provide goods or services of equal value or greater. This includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status.

Exceptions to the gift definition of Government Code §82028(a), are provided in §82028(b) and include:

1. Informational materials such as books, reports, pamphlets, calendars, or periodicals. No payment for travel or reimbursement for any expenses shall be deemed “informational material.”
2. Gifts which are not used and which, within 30 days after receipt, are either returned to the donor or delivered to a nonprofit entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code without being claimed as a charitable contribution for tax purposes.
3. Gifts from an individual’s spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, sister-in-law, brother-in-law, nephew, niece, aunt, uncle, or first cousin of the spouse of any such person; provided that a gift from any such person shall be considered a gift if the donor is acting as an agent or intermediary for any person not covered in this paragraph.
4. Campaign contributions required to be reported under Chapter 4 of this title.
5. Any devise or inheritance.

6. Personalized plaques or trophies with an individual value of less than two hundred and fifty dollars (\$250).

C. Political Reform Act Ceiling for Gifts

The Political Reform Act places a ceiling on the value of gifts that may be received by certain local officials, including elected and appointed officers of the County and candidates for elected County offices, as well as other appointed officials. All employees, consultants and members of board or commissions listed in the County's Conflict of Interest Code are subject to the gift ceiling as well.

The cumulative gift ceiling per single source is four hundred twenty dollars (\$420) each calendar year for the period of January 1, 2009 through December 31, 2010. The Fair Political Practices Commission may adjust the gift ceiling, effective January 1, 2011 and biannually thereafter.

II. EXEMPTIONS

Pursuant to the California Code of Regulations, Title 2, Division 6, §18944.1, tickets that are distributed under the following circumstances will not be classified as gifts:

A. Ticket or pass provided by source other than official's agency - §18944.1(a)

Where a ticket or pass is provided directly to the official by a third-party, it will not be considered a gift where the ticket or pass is provided for the official's admission to an event at which the official performs a ceremonial role or function on behalf of the County.

B. Ticket or pass provided to officials by the County – §18944.1(b)

A ticket or pass will not be considered a gift to the official when it is provided to the official from the County Government (i.e. not from a third-party) and where the official treats the ticket or pass as income consistent with applicable state and federal income tax laws, and the agency reports the distribution of the ticket or pass as income to the official.

A ticket or pass will also not be considered a gift to the official when it is provide to the official from the County Government under the following circumstances:

1. Where the County obtained the ticket or pass pursuant to the terms of a contract for use of the public property;
2. Where the County controls the event;
3. Where the County purchased the ticket or pass at fair market value; or
4. Where the County receives the ticket or pass from a third party, and the ticket or pass is not earmarked by the third party for use by a particular official, and the County determines, in its sole discretion, which official may use the ticket or pass.

Tickets or passes distributed pursuant to 1 through 4 above must be made in furtherance of a "public purpose." The County must post the ticket distribution information on an FPPC Form 802 (Attachment C) in a prominent fashion on the County website, within 30 days after the distribution of the ticket or pass.

III. PUBLIC PURPOSE

The distribution of any ticket or pass by the County to one of its officials, or distributed to a third-party at the request of a County official, must accomplish a “public purpose” of the County. The “public purposes” of the County to be accomplished by the distribution of the tickets or passes include, but are not limited to:

- A. Oversight of facilities, land, or events that receive funding or support from the County;
- B. Review facilities, land, or events that may require County funding or support in the near future or to gather information about the operation of a facility similar to one presently or potentially operated by the County;
- C. Promote tourism as a form of economic development;
- D. Evaluate the ability of a facility or its operator to attract business and contribute to the local economy;
- E. Review the ability of a facility or its operator to participate in the County’s job creation goals or job training programs;
- F. Evaluate the contribution of a facility or an event to the County’s goals for fostering arts, culture and entertainment opportunities for County residents or in support of the County’s economic development program;
- G. Reward a county employee, committee, commission, or board members, for his or her exemplary service to the public or to encourage professional development;
- H. Development of partnerships with community organizations with similar missions.

IV. PROHIBITED TRANSFERS

Once a ticket has been distributed by the County to one of its officials in accordance with this policy, that official may not transfer that ticket to any other person other than members of the official’s immediate family solely for their personal use. Immediate family includes: spouse/domestic partner, and dependent children only. If more than one ticket is distributed to the official, the official may use the additional ticket(s) to bring a guest (or guests) to the ticketed event. Use of such ticket(s) must be for one of the public purposes set out in this policy, and the names of attendees must be reported on Form 802.

V. TICKETS AND PASSES THAT DO NOT MEET STANDARDS OF §18944.1

A gift of a ticket or pass that does not meet the standards of or comply with the procedures of this policy shall be subject to the disclosure, reporting and disqualification requirements of the Political Reform Act.

Any such gift must be declared by a County official on his or her Annual Statement of Economic Interests. The Political Reform Act limits gifts to elected local officials to a cumulative amount of \$420¹ from each donor per calendar year.

¹ Since 1993, the FPPC has adjusted the gift limitation on January 1 of each odd-numbered year to reflect changes in the Consumer Price Index, rounded to the next nearest ten dollars (\$10) (California Government Code § 89503). The FPPC has adjusted the annual gift limitation amount to \$420 for the period of January 1, 2009, to December 31, 2010 (Cal. Code of Reg. Title 2, Division 6, §18940.2)

VI. PROCEDURES FOR DISTRIBUTION OF TICKETS AND PASSES

- A. Tickets or passes received by the County from an outside source shall be forwarded to the Ticket Administrator. The Ticket Administrator for the County of Sonoma and for the Community Development Commission shall be the County Administrator or his/her designee. The General Manager of the Open Space District will be the Ticket Administrator for the Open Space District and the Water Agency General Manager will be the Ticket Administrator for the Water Agency.
- B. Ticket Administrator(s) shall determine the face value of the tickets or passes, and the individual(s) who may use them. Ticket Administrator(s) shall report the distribution of all tickets and passes as provided in Section C below.
- C. A County official may request the use of tickets or passes, or may request distribution to an individual or organization outside the County, by completing Parts 3 and 4 of FPPC Form 802 and submitting the request to the appropriate Ticket Administrator.
- D. Tickets or passes distributed by the County to or at the behest of a County official pursuant to this policy shall be documented on FPPC Form 802 or such other form as the FPPC may designate. The completed Form 802 shall be filed with the Clerk of the Board who shall be responsible for posting Form 802s on the County's website in a prominent location within 30 days after distribution of the tickets.
- E. Tickets or passes distributed by the Open Space District or the Water Agency shall be documented on FPPC Form 802 or other such form as the FPPC may designate and posted on the respective Agency website in a prominent location within 30 days after distribution of the tickets.
- F. Completed Form 802s that are posted to the County's website shall be maintained on the website for a period of not less than 4 years. The original Form 802s shall be retained by the Clerk of the Board for a period of not less than 7 years.
- G. Completed Form 802s that are posted to the Open Space District or Water Agency website shall be maintained on the website for a period of not less than 4 years. The original Form 802s shall be retained by an individual designated for each Agency for a period of not less than 7 years.
- H. County Departments and Agencies who distribute tickets and passes on behalf of their agency (i.e. Park Passes, Fair Tickets) shall forward tickets or passes to be distributed, to the appropriate Ticket Administrator for distribution pursuant to this policy.

